



Annual Report

Implementation of Executive Order 13352 *Facilitation of Cooperative Conservation*

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Prepared By
The White House Council on Environmental Quality,
Department of Defense, Department of Interior,
Department of Agriculture, Department of Commerce, and the
Environmental Protection Agency

INTRODUCTION

EO 13352

In August 2004, President George W. Bush signed Executive Order #13352 (Order) entitled Facilitation of Cooperative Conservation. The Order directs the Departments of Defense, Interior, Agriculture, Commerce, and the Environmental Protection Agency to implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation with an emphasis on local inclusion.

ANNUAL REPORT

This report has been drafted in compliance with Section 3(b) of the Order which requires the named agencies to report annually to the Chairman of the White House Council on Environmental Quality (CEQ) on actions taken toward implementation. CEQ and the President's Cooperative Conservation Task Force will use the report to measure success and to inform decisions on how to improve implementation of the Order going forward.

The current reporting cycle captures activities from the execution of the Order until December 1, 2006 with a brief summary of progress leading to, and including, the 2005 White House Conference on Cooperative Conservation. In addition to interagency activities, the report also includes a summary of accomplishments and actions unique to each department and agency named in the Order.

WHITE HOUSE CONFERENCE ON COOPERATIVE CONSERVATION (CREATION OF TASK FORCE)

In August 2005, approximately 1300 of the Nation's conservation leaders met in St. Louis for the White House Conference on Cooperative Conservation. The conference produced a wealth of suggestions and ideas for implementing the principles set forth in the Order. During the conference, CEQ Chairman James L. Connaughton announced the creation of the President's Task Force on Cooperative Conservation.

Following the conference, an analysis was performed, and a report was completed outlining a number of conclusions and recurring themes. Using this analysis, the Task Force developed a cohesive action plan for realizing the overriding objectives set forth in the report. The Task Force has already achieved progress toward these objectives through a number of short, mid and long term projects.

INTERAGENCY ADMINISTRATIVE ACTIONS

NAVIGATING REGULATORY BARRIERS AND MINIMIZING LITIGATION

Environmental Conflict Resolution

A great deal of progress has been made to implement the Joint Policy Memorandum on Environmental Conflict Resolution (ECR) and Collaborative Problem Solving issued by the Office of Management and Budget and Council on Environmental Quality in November of 2005. These efforts are resulting in development of the infrastructure and capacity needed to enable increased utilization of these important methods of dispute resolution. The first annual report on implementation of the memorandum will be submitted to CEQ on December 15, 2006.

Federal Advisory Committee Act

A Task Force working group is developing tools to assist agencies in effectively and appropriately using the Federal Advisory Committee Act (FACA) to support collaboration and partnerships. The working group has gathered and reviewed existing FACA related documents and web sites from the five agencies and will make the best materials widely available. The group determined that field staff input was also needed and hosted calls with nearly 40 individuals from DOI, NOAA, USDA and EPA who underscored the need for streamlined internal procedures, consistent legal advice, delegation of approval and improved access to web-based materials. The team has developed administrative and legislative recommendations to address these concerns.

Compendium of Legal Authorities

In 2005, the Department of the Interior published a compendium of legal authorities relevant to cooperative conservation. This material has proven to be an invaluable resource for employees engaged in cooperative conservation projects. To build upon the success of this document, a Task Force working group began surveying existing cooperative conservation legal materials and seeking alternative approaches to presenting legal authorities related to cooperative conservation.

After reviewing existing compendia, the Work Group evaluated how best to inform agency staff, managers and external parties on effectively using existing legal authorities to support cooperative conservation. On August 11, 2006 CEQ sent a memorandum to all cabinet heads named in the order requesting relevant departments and agencies develop mission specific legal compendia by December 15, 2006. The Task Force is coordinating an interagency approach to guide the completion of these documents.

PUBLIC OUTREACH AND COMMUNICATION

Communication Strategy and Outreach

This working group is coordinating interagency communications and keeping non-Fed partners informed of Progress on the Cooperative Conservation Initiative. A 12- chapter

Communications Guide has been developed. A media tour blueprint is in the early drafting stages to increase the amount of positive media coverage highlighting Cooperative Conservation messages. A newsletter is also being developed to provide brief, timely updates to White House Conference meeting participants and the general public.

Federal Cooperative Conservation Website

During the White House Conference and in several subsequent meetings, several interested parties suggested a “one-stop shop” website with guidance, facilitator resources, project information, and case studies. To answer this call to action, the Task Force created the *cooperativeconservation.gov* website. Current news releases, cooperative conservation project summaries, upcoming events, as well as funding and volunteer opportunities are highlighted on the site. A Task Force working group is continuing efforts to improve and develop the site into an interactive resource that is the primary point of entry for Federal information related to cooperative conservation.

The website is a resource for Federal cooperative conservation information, both for Federal employees and the public. During the summer and fall of 2006, an average of 1500 users visited the site each day. The site is updated regularly as new and additional information becomes available.

Cooperative Conservation America Website

Conference attendees also stressed that lessons learned on individual projects should be shared with others. The Cooperative Conservation America (CCA) Website is administered by the Resources First Foundation in close coordination with the Federal site (CCA offers a link to the Federal site on the main homepage). The site includes a case study database with a number of exemplary cooperative conservation projects throughout the country. These case studies have proven to be a valuable tool for illustrating successful processes and identifying potential partners and resources. To date, the CCA site has had over 1 million hits, with each visit to the site averaging just over 13 minutes.

Engaging the Public

A working group has been tasked with facilitating public engagement in federal decision-making. The group is collating and reviewing tools and resources designed to increase stakeholder involvement in Federal actions that impact them. A data call memo was sent to Task Force representatives in October 2006 requesting that each agency provide examples of effective, innovative and transferable public engagement practices that support successful cooperative conservation projects. The group is preparing information for web presentation to showcase the best materials from the five agencies and a number of key nongovernmental collaboration/partnership web sites.

Federal Financial Assistance

Conference participants expressed frustration that they often lack the resources to gather necessary data on federal funding for environmental projects. A Task Force working group has been charged with streamlining and simplifying access to federal cooperative

conservation funding sources and information available to partners and collaborating groups.

The working group is currently drafting a user-friendly guide for non-Federal partners to research the grant application process. The Work Group has drafted a model for use by the Penobscot pilot project in Maine. The model includes a decision matrix simplifying the identification of which grants for conservation projects.

Expanding Volunteer Involvement

A Task Force working group is improving systems that match conservation volunteers with projects. The cooperativeconservation.gov website now includes links to a variety of websites that identify conservation and environmental volunteer opportunities. The group is also working with USA Freedom Corps to coordinate among existing databases that match volunteers with cooperative conservation projects. This tool will facilitate greater communication and awareness of available resources and opportunities to participate in conservation activities with the intention of linking AmeriCorps volunteers with community-based groups and organizations needing assistance.

Education

A Task Force team is working with schools and universities to utilize conservation as a mechanism for getting young people excited about math, science, technology, and the outdoors. The group is working with universities to integrate cooperative conservation principles and competencies into curriculum to ensure a strong base of well-trained career conservationists and environmental professionals in the future. In recent months, Task Force members have also been working to develop a public-private partnership to promote recreation participation and environmental education under the banner of Cooperative Conservation.

Listening Sessions

Beginning in July of 2006, the Departments of Defense, Agriculture, Commerce (NOAA), the Interior, the Environmental Protection Agency and the White House Council on Environmental Quality hosted twenty five Cooperative Conservation listening sessions across the country. The purpose of the sessions was to foster communication and the exchange of ideas on how to promote cooperative conservation and environmental partnerships. The facilitated meetings focused on the following discussion topics:

- How can the federal government enhance wildlife habitat, species protection, and other conservation outcomes through regulatory and voluntary conservation programs?
- How can the federal government enhance cooperation among federal agencies and with states, tribes, and local communities in the application of environmental protection and conservation laws?
- How can the federal government work with states, tribes, and other public- and private-sector partners to improve the science used in environmental protection and conservation?

- How can the federal government work cooperatively with businesses and landowners to protect the environment and promote conservation?
- How can the federal government better respect the interests of people with ownership in land, water, and other natural resources?

Comments made during the listening sessions were recorded and the transcripts are posted on the cooperativeconservation.gov website. Upwards of 20,000 comments were also been received via-email. The comments will be drafted into a report that will be used to inform decisions on the development and implementation of cooperative conservation policy.

ENHANCING WORKFORCE EFFICIENCY

Federal Workforce Competency on Collaboration and Partnering

A recurring theme from the conference was the need for the Federal government to hire people with proven skills in collaboration, to train Federal employees to be better partners, and to reward those who demonstrate Cooperative Conservation skills and initiative. Over the past year, the Cooperative Conservation Task Force has worked with the Departments of Defense, the Interior, Commerce, Agriculture and the Environmental Protection Agency to address this call to action. On November 28, 2005 Office of Personnel Management Director Linda Springer and CEQ Chairman James Connaughton issued a Guidance Memorandum directing each department and agency to submit reports outlining the actions it will take to develop the knowledge, skills, abilities and behaviors necessary to meet the objectives set forth in the guidance memorandum.

In response to the memorandum, the Departments of Defense, Agriculture, Commerce (NOAA), the Interior and the Environmental Protection Agency completed competency based plans for hiring, training and rewarding natural resources and environmental employees in a manner that promotes increased non-Federal participation in conservation projects and decisions. Following completion of the plans, Human Capital Officers from each of the departments and agencies met to review the plans and develop a coordinated strategy for implementation. The identified issues to be addressed include, (1) validating competencies for use in hiring; (2) sharing training course and program information and (3) incorporating competencies into performance plans. External experts reviewed the plans and made recommendations for improvement and implementation. Subgroups have been formed to validate competencies, incorporate them into performance plans, and share training and program information.

Training and Development

Another theme from the Conference was the need for Federal personnel to develop the skills necessary to lead collaborative projects. A Task Force working group has been charged with integrating the principles of cooperative conservation into existing training programs for Federal natural resources and environmental employees. The group has surveyed leadership and executive training programs in the agencies and is working to facilitate greater interagency collaboration on such programs.

Developing Scientific Data and Information to Support Cooperative Conservation

There is widespread recognition of the importance of integrating accurate scientific and technical information into cooperative conservation efforts. Following the distribution of the Cooperative Conservation legislative summary, the Congressional Sportsman's Foundation submitted a proposal for the creation of a "National Conservation Partnership." The partnership would focus on the development of a standardized, interoperable database of environmental information. At the annual meeting of the American Wildlife Conservation Partnership, it was decided that a non-Federal working group would be formed to continue framing this issue. The Task Force has agreed to host a meeting of Senior Administration staff and CEO's from a number of interested organizations to further develop this concept. The meeting will take place in early 2007.

Measuring and Monitoring

A working group was established to gather and exchange information on tools that assist agencies and organizations in measuring and monitoring how collaborative partnerships can achieve demonstrable resource management and environmental protection goals. This working group is gathering, reviewing, analyzing and sharing tools that measure and monitor how cooperative conservation activities help achieve environmental protection and natural resource management goals.

LEGISLATIVE ACTIONS

The Task Force has developed an interagency legislative package made up of components integrated by a common goal; to create tools and authorities that promote conservation partnership capabilities and resolve disputes through collaboration.

Last June Interior Secretary Dirk Kempthorne, Agriculture Secretary Mike Johanns, Environmental Protection Agency Administrator Stephen L. Johnson and Undersecretary of Commerce for Oceans and Atmosphere/NOAA Administrator Conrad Lautenbacher met with diverse leaders from the private sector to discuss concepts for proposed cooperative conservation legislation. Hosted by the White House, the meeting brought the cabinet members together with approximately 50 representatives of organizations that attended the White House Conference on Cooperative Conservation. Participants included conservationists, public land users, ranchers, farmers and others. The meeting resulted in a number of unique and innovative ideas for improving the cooperative conservation legislative package.

Currently the Cooperative Conservation Task Force is analyzing the comments provided at the Cooperative Conservation Listening Sessions to ensure that each component of the legislation, once introduced, reflects those comments as appropriate.

GOOD SAMARITAN CLEAN WATERSHED ACT

Overview

The Good Samaritan Clean Watershed Act would accelerate projects such as the American Fork Mine Cleanup that was announced at the White House Conference on Cooperative Conservation. There are more than a half-million abandoned hardrock mine sites on both public and private lands throughout the United States; the American Fork project is a great model for how public- private partnerships can be effective in cleaning up individual mines. This bill would facilitate the Agency's participation in similar partnerships on a much larger scale. The bill is designed to allow individuals and organizations who are not responsible for the pollution, but are willing to participate in voluntary remediation projects, to do so without fear of undue liability under the Clean Water Act and the Comprehensive Environmental Response, Compensation and Liability Act. To address the legal liability concerns that have long discouraged voluntary cleanup efforts, the bill would create a streamlined permitting process to encourage abandoned mine cleanup by Good Samaritan volunteers. Specifically, the Act would:

- Authorize the Administrator of the Environmental Protection Agency, or a state or tribe with an approved remediation program, to issue permits to Good Samaritans to carry out projects for the remediation of inactive or abandoned hardrock mine site pollution;
- Provide targeted liability protection for voluntary cleanup activities undertaken pursuant to a Good Samaritan permit;
- Allow for limited recycling of historic waste piles and tailings for mineral value;
- Require a "due diligence" evaluation of a permittee and proposed project, ensuring that the Good Samaritan is a "good actor" who has a history of good environmental compliance and has sufficient resources to complete a project;
- Require extensive public participation in the review and approval of a mine remediation project; and
- Encourage cooperative cleanup activities between states, local governments, private industry, and conservation groups.

COOPERATIVE CONSERVATION ENHANCEMENT ACT

Overview

This legislation would advance the goals of the Department of the Interior's (DOI) model of cooperative conservation. First, the bill would legislatively establish a number of programs that are currently carried out under multiple general authorities. Second, the bill would provide the Secretary of the Interior with increased flexibility to enter into partnerships with private individuals, companies, organizations and government entities to achieve conservation goals; promote conservation partnership capabilities; and resolve environmental and natural resources disputes by fostering collaborative problem solving and alternative dispute resolution. Specifically, the Act would:

- Legislatively establish several Department of the Interior Cooperative Conservation programs, including:
 - The Fish and Wildlife Service's Coastal Program;
 - The Private Stewardship Grant Program; and

- The Landowner Incentive Program
- Authorize the Secretary to support innovative landscape-level, multi-year projects that place an emphasis on collaborative approaches to conservation;
- Clarify existing partnership and cooperative agreement authorities—and reduce barriers to such authorities where appropriate—to encourage greater cooperation among Federal agencies, local communities and citizens for cooperative conservation work in National Parks and other public places. For example, the bill would authorize Federal agencies to participate in conservation projects on private or state lands near or adjacent to DOI lands;
- Codify current policies and practices for conservation banks, no surprises assurances for habitat conservation plans, and regulatory assurances for candidate conservation and safe harbor agreements;
- Better enable Federal and State Governments to prioritize conservation actions by using State Wildlife Plans as an important consideration in allocating DOI's Cooperative Conservation grants; and
- Codify the Office of Collaborative Action and Dispute Resolution to promote and advance collaborative problem-solving and alternative dispute resolution capacity and infrastructure in all DOI bureaus and offices.

HEALTHY FOREST PARTNERSHIP ACT

Overview

Great progress has been made under the Healthy Forests Initiative to improve the health of millions of acres of forests and rangelands across America while also reducing the risks of catastrophic wildfire. The Departments of Agriculture and the Interior are proposing the Healthy Forests Partnership Act to expand our Nation's capacity to improve forest and rangeland health through cost-efficient partnerships at the state and local level based on clear, common objectives and sound science. The Healthy Forests Partnership Act would:

- Authorize new partnerships in priority areas with state and local governments and collaborative non-government entities to provide restoration of forests and rangelands on adjoining Federal and non-Federal land;
- Create healthy forests partnership zones in priority areas to foster investment by non-Federal parties in local infrastructure needed to restore forests and rangelands; and
- Encourage the use of peer reviewed science to support forest and rangeland restoration projects which, under this legislation, when applied, would be given heightened legal significance.

COOPERATIVE CONSERVATION OF MARINE, ESTUARINE, COASTAL AND RIVERINE HABITAT ACT

Overview

This legislation authorizes the Secretary of Commerce to enter into cooperative partnerships and build local and regional capacity to support marine, estuarine, coastal, and riverine habitat protection and restoration. It would advance the National Oceanic

and Atmospheric Administration's (NOAA) model of cooperative conservation by ensuring clear and flexible statutory authority for current NOAA programs that are generally authorized under disparate authorities. The bill would also provide the Secretary of Commerce with similar authorities as those provided to the Secretary of the Interior to provide regulatory assurances to those private landowners who undertake conservation measures on their land. Specifically, the Act would:

- Provide clear authorization for an existing program—NOAA's Community-based Restoration Program. This highly successful program, which has been operating for the past 10 years under various authorities, provides financial and technical assistance for communities to identify, implement, and evaluate coastal habitat restoration projects.
- Authorize the Secretary to undertake activities to encourage voluntary partnerships to protect coastal habitats and minimize habitat degradation. The partnership-based approach will address habitat loss and complement the existing regulatory approach with tools, such as funding, technical assistance, and planning capabilities.
- Provide specific authority for the Secretary to provide regulatory assurances to private landowners under candidate conservation and safe harbor agreements.